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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,577	01/20/2004	Mike Peters	6065-90401	1067
24628	7590	01/29/2008		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER SAM, PHIRIN	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 01/29/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/760,577

Applicant(s)

PETERS, MIKE

Examiner

Phirin Sam

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 7, 9-12, 14, 16, 17, 19-22, 25, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 8, 13, 15, 18, 23, 24 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**PHIRIN SAM**  
**PRIMARY EXAMINER**

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 6, 9, 11, 12, 14, 16, 19, 21, 22, 25, and 27 are rejected under 35

U.S.C. 102(e) as being anticipated by US Patent 6,961,334 (hereinafter referred as

“Kaczmarczyk”).

**Regarding amended claim 1, and claims 4, 6, 9,** Kaczmarczyk discloses a method of distributing Internet calls by an automatic contact distributor, such method comprising:

- (a) receiving a Session Initiation Protocol INVITE by the automatic contact distributor from a client (see Fig. 1, col. 6, lines 18-37);
- (b) determining a call type from the Session Initiation Protocol INVITE (see Figs. 2a, 3, 5a, and 5b, element 34, col. 8, lines 40-42);
- (c) selecting an agent to handle the Internet call based upon the determined call type (see Figs. 2a and 3, col. 8, lines 46-48);
- (d) setting up a call between the selected agent and the client based upon the Session Initiation Protocol and request notification from the agent upon termination of the Internet call (see Fig. 1, col. 6, lines 29-37).

**Regarding amended claim 11, and claims 12, 14, 16, 19,** Kaczmarczyk discloses an automatic contact distributor for distributing Internet calls, such apparatus comprising:

- (a) means for receiving a Session Initiation Protocol INVITE from a client within the automatic contact distributor (see Fig. 1, col. 6, lines 18-37);
- (b) means for determining a call type of the received Session Initiation Protocol INVITE (see Figs. 2a, 3, 5a, and 5b, element 34, col. 8, lines 40-42);
- (c) means for selecting an agent to handle the Internet call (see Figs. 2a and 3, col. 8, lines 46-48);
- (d) means for exchanging call information between the client and the selected agent and for requesting notification from the selected agent upon termination of the Internet call (see Fig. 1, col. 6, lines 29-37).

**Regarding amended claim 21, and claims 22, 25, 27,** Kaczmarczyk discloses an automatic contact distributor for distributing Internet calls, such apparatus comprising:

- (a) a user agent adapted to receive a Session Initiation Protocol INVITE from a client (see Fig. 1, col. 6, lines 18-37);
- (b) a call typing processor adapted to identify a type of Internet call to be established with the client (see Figs. 2a, 3, 5a, and 5b, element 34, col. 8, lines 40-42);
- (c) an agent selection application adapted to select an agent to handle the Internet call based upon the call type (see Figs. 2a and 3, col. 8, lines 46-48);
- (d) a proxy server adapted to transfer the Session Initiation Protocol INVITE to the selected agent a conference application adapted to conference a supervisor into the Internet call (see Fig. 1, col. 6, lines 29-37).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 20, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,961,334 (hereinafter referred as “Kaczmarczyk”) in view of US 2003/0193961 (hereinafter referred as “Moore”).

**Regarding claim 10, 20, and 28,** Kaczmarczyk does not disclose defining the communication link as a request for Instant Messaging. However, Moore discloses defining the communication link as a request for Instant Messaging (see Figs. 1 and 7a-7c, paragraphs [0048], [0049], [0052]). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine instant message teaching by Moore with Kaczmarczyk. The motivation for doing so would have been to provide to increase the flexibility and ease with which parties may establish communications read on paragraph [0017]. Therefore, it would have been obvious to combine Moore and Kaczmarczyk to obtain the invention as specified in the claims 10, 20, and 28.

5. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,961,334 (hereinafter referred as “Kaczmarczyk”) in view of US Patent 2005/0144247 (hereinafter referred as “Christensen”).

**Regarding claims 7 and 17,** Kaczmarczyk does not disclose conferencing a supervisor into the Internet call. However, Christensen discloses conferencing a supervisor into the Internet

call (see Fig. 2, paragraph [0026]). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine conferencing a supervisor into the Internet call teaching by Christensen with Kaczmarczyk. The motivation for doing so would have been to provide to add voice on demand elements to data communication system read on paragraph [0011]. Therefore, it would have been obvious to combine Christensen and Kaczmarczyk to obtain the invention as specified in the claims 7 and 17.

***Allowable Subject Matter***

6. Claims 2, 3, 5, 8, 13, 15, 18, 23, 24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 4, 6, 9-12, 14, 16, 19-22, 25, 27, and 28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Increased Flexitime Policy (IFP) Program.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272 - 2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

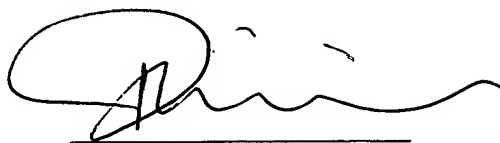
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: January 23, 2008

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM  
PRIMARY EXAMINER**